

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.  
★ JAN 26 2007 ★  
**BROOKLYN OFFICE**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GUADALUPE ARCOS,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.  
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97 CV 3739 (ARR)(SMG)

NOT FOR  
PUBLICATION

OPINION AND ORDER

ROSS, United States District Judge:

I have received the Report and Recommendation on the instant case dated January 5, 2007 from the Honorable Steven M. Gold, United States Magistrate Judge. No objections have been filed. Having conducted a review of the record, I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1). Accordingly, plaintiff's application for "bad faith" fees under 28 U.S.C. § 2412(b) is denied. Plaintiff's application for fees under 28 U.S.C. § 2412(d) is granted in part, and plaintiff is awarded \$14,308.76 for attorneys' fees and travel and clerical costs incurred in litigating this action. The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

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Allyne R. Ross  
United States District Judge

Dated: January 24, 2007  
Brooklyn, New York

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cc: Magistrate Judge Gold